

It is clear to any fair minded person that this letter, which we received only yesterday and are reviewing, is an effort by a plaintiffs' attorney to mislead and manipulate news coverage in an effort to litigate his cases in the press instead of the courtroom. This lawyer misrepresents the deposition transcripts by selective quotation and the lawyer either misunderstands how a laboratory functions or is intentionally misrepresenting how one does. These deposition transcripts haven't even been reviewed for accuracy in transcription by the witnesses yet, which is standard practice.

Last year, our Pennsylvania Department of Environmental Protection laboratory was given glowing marks in a peer review by the Association of Public Health Laboratories. Here's the release on that:

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=19171&typeid=1>

Our laboratory has the capability of analyzing many, many compounds. Not all of these analyses are necessary for an investigation into whether oil and gas impacted a water supply. Our investigators request certain compounds be screened for in an analysis, in particular, those associated with oil and gas activities. The results of such an analysis are subject to quality control and quality assurance. That the lab is capable of doing additional analysis for a particular investigation doesn't mean that our analysis was inadequate or incomplete.

We have a Marcellus-specific analysis that we run at our laboratories based on our experience with the Marcellus activities. The outrageous contention that DEP has "omitted key Marcellus shale 'markers'" has not been substantiated by this attorney or the so-called expert witness, or any evidence whatsoever.

Our battery of tests we can ask the lab to do on a well sample.

One of these is this SAC 942 suite that has been at the center of this controversy. That tests for pH, alkalinity, hardness, conductivity, total dissolved solids, total suspended solids, chloride, sulfate, calcium, manganese, iron, barium, sodium, potassium, magnesium and strontium. You would hard pressed to make a case that drilling activities contributed to contamination in a case where all of these constituents are at non-detect or background but that some other isolated metal or constituent is at an elevated level, e.g., tin or nickel. There are also tests we can run for hydrocarbons and for volatile organic compounds.

Further, the plaintiffs' lawyer has not substantiated that families have been exposed to "a variety of health impacts because they use contaminated water supplies" related to oil and gas drilling activities. Those types of assertions are to be expected from plaintiffs' lawyers trying to profit from getting contingent fees. Our investigations concerning these matters seek to determine whether oil and gas drilling has impacted water supplies; we do not regulate private water supplies, which as the Center for Rural Pennsylvania has shown in several studies, often contain some background level of contamination.

The levels of contaminants referenced in Taru's depositions do not exceed any federal safe drinking water standard and but for three of them all are close to non-detect levels.

The battery of analyses we order during investigations are thorough and give us the results we need to make sound determinations, which we fully stand behind. DEP takes very seriously instances where we do determine gas migration has occurred from drilling – this administration issued the largest single civil penalty in the history of the state's oil and gas program last year for such a case.

Regarding his press release, Jesse White is ideologically opposed to responsible drilling regulations which is evidenced

by, among other things, his vote against Act 13.

Kevin Sunday | Deputy Press Secretary

Department of Environmental Protection | Office of Communications

400 Market Street | Harrisburg PA 17101 Phone: 717.787.1323 | Fax: 717.705.4980

www.dep.state.pa.us